



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

LIBERMANN *et al.*

Appl. No. 09/126,945

Filed: July 31, 1998

For: Prostate Derived Ets Factor

Confirmation No.: 9528

Art Unit: 1632

Examiner: Priebe, S.

Atty. Docket: PF469

DECLARATION OF TOWIA LIBERMANN UNDER 37 C.F.R. § 1.131

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Towia Libermann, hereby declare and state the following:

1. I am a named inventor of the captioned application.
2. I possessed, in this country prior to April 3, 1998, a polynucleotide having the nucleotide sequence of SEQ ID NO:1, as set forth in the captioned application. The following is provided as evidence of such possession.
3. Prior to April 3, 1998, I possessed a cDNA having the designation ETS-4. Moreover, prior to April 3, 1998, I determined that the cDNA having the designation ETS-4 has a nucleotide sequence corresponding to the nucleotide sequence disclosed in the captioned application as SEQ ID NO:1.
4. Attached hereto as Exhibit A is a redacted copy of an electronic notebook page from DNA Strider™ 1.2 disclosing the nucleotide sequence of the cDNA ETS-4. DNA Strider™ is a sequence analysis software program designed for Power Macintosh computers.
5. The date on which the DNA Strider™ 1.2 electronic notebook page was generated, which has been redacted from Exhibit A, is prior to April 3, 1998.

Completed
5/2/03

6. Attached hereto as Exhibit B is a redacted copy of a MegAlign electronic alignment comparing the cDNA ETS-4 sequence against SEQ ID NO:1 of the captioned application. MegAlign is a part of the Lasergene sequence analysis software by DNASTAR, Inc., and performs pairwise and multiple alignments of DNA or protein sequences.
7. Exhibits A-B provide a basis for the foregoing demonstration.
8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application captioned above or any patents issuing thereupon.

4/1/03
Date

Towia Libermann
Towia Libermann



OLD

Exhibit A

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

RESTRICTION OF INDONESIAN CASES TO THE USAGE

[illegible]

Enzyme	Site	See	Site position	Fragment length	Fragment order
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Year	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
1986	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100

[illegible]

ETS-4 full length 2 -> Full Restriction Map

				12751	14913	14271	6730	14331	5314	14801	8417
				15724	7513	16491	11016	17591	47126	16051	4418
				18611	11121	18621	46119				
Scrr I	ccwngg	11		13214	13319	2081	54113	2671	25121	2851	43116
				3281	36120	3641	8128	3221	58112	4301	11131
				6471	47115	6541	33121	211	13126	7401	20012
				10021	23122	10301	33124	10531	23125	10751	13110
				12701	8129	12781	14913	13271	6130	14331	53114
				15741	11116	16491	11016	17591	47126	18001	44116
				18611	11121	18621	46119				
Yml I	ccgc	11	34	9131	101	54114	641	12120	981	63117	1751
				1541	14118	1951	38111	2361	11112	36117	3121
				4601	13214	5921	18113	6201	45116	5551	12118
				7581	11911	9171	11115	10961	10130	11091	21123
				1111	32118	12581	13411	13931	53113	14511	5112
				14801	71110	15561	34119	15901	17116	1671	3118
				16531	7113	16651	30121	16901	24111	17641	23112

656 sites found

No sites found for the following Restriction Endonucleases:

Aat II	gagctc	Bsp120 I	g/gggcc	Hind II	a/agcctt	Rsr II	cc/gwccc
Afl III	c/cttacc	BspH I	r/cattga	Hpa I	gtt/aaa	Sac I	gagct/c
Afl III	a/crygt	BssH II	g/cgggc	Kas I	g/gggcc	Sac II	cggc/gu
Age I	a/ccggc	BstB I	cttcgaa	Kpn I	ggtaa/c	Sai I	g/tcgac
Aha II	gt/cgyc	BstE II	g/gnacc	Mae II	a/cgt	Sap I	gcttctac
Apa I	gggac/c	Cla I	at/cgat	Mor I	c/grycg	Sca I	agt/act
Asc I	ac/taat	Dra I	ctt/cta	Mlu I	a/cggct	SgrA I	cc/cgggyc
Asp718	g/gtacc	Dra III	gacnnn/gtg	Msp I	t/tac	Sna I	gna/tac
Avr II	c/ctaag	Drd I	gacnnnn/nngac	Nae I	gac/gac	SnaB I	tac/gta
BamH I	g/gatcc	Eag I	c/gggcg	Nar I	gg/cgac	Spc I	a/ctagt
Bcl I	gggag/c	Eco136 I	gag/ctc	Nde I	ca/tatg	Spl I	c/gtacc
Bbs	gaagac	EcoR I	g/aattc	Nhe I	g/ataga	Sse233 I	cctgca/gg
Bcl I	c/gatca	EcoR V	gat/atc	Nsi I	tcg/cga	Ssp I	aat/att
Bgl I	a/gatct	Ene I	ggc/gcc	Nsi I	atgca/t	Swz	atcc/aaat
BsaA I	yaagtr	Fse I	ggcggg/cc	Nsi I	ctaat/taa	Xba I	t/tcaga
BsaI I	gacnn/nnatc	Fsp I	tgt/gca	Pac I	cac/gtg	Xba I	gtt/tac
BstI I	ggry/ep	Hga I	gacgc	Pvu I	cgat/cg	Xba I	gaann/natcc
Bsm I	gaatgc	Hind II	gty/tac				

Exhibit B

	10	20	30	
1	G T C T G A C T T C C T C C C A G C A C A T T C C T G C A C			ETS-4.SEQ
1	G T C T G A C T T C C T C C C A G C A C A T T C C T G C A C			SEQ ID NO 1.SEQ
<hr/>				
	40	50	60	
31	T C T G C C G T G T C C A C A C T G C C C C A C A G A C C C			ETS-4.SEQ
31	T C T G C C G T G T C C A C A C T G C C C C A C A G A C C C			SEQ ID NO 1.SEQ
<hr/>				
	70	80	90	
61	A G T C C T C C A A G C C T G C T G C C A G C T C C C T G C			ETS-4.SEQ
61	A G T C C T C C A A G C C T G C T G C C A G C T C C C T G C			SEQ ID NO 1.SEQ
<hr/>				
	100	110	120	
91	A A G C C C C T C A G G T T G G G C C T T G C C A C G G T G			ETS-4.SEQ
91	A A G C C C C T C A G G T T G G G C C T T G C C A C G G T G			SEQ ID NO 1.SEQ
<hr/>				
	130	140	150	
121	C C A G C A G G C A G C C C T G G G C T G G G G G T A G G G			ETS-4.SEQ
121	C C A G C A G G C A G C C C T G G G C T G G G G G T A G G G			SEQ ID NO 1.SEQ
<hr/>				
	160	170	180	
151	G A C T C C C T A C A G G C A C G C A G C C C T G A G A C C			ETS-4.SEQ
151	G A C T C C C T A C A G G C A C G C A G C C C T G A G A C C			SEQ ID NO 1.SEQ
<hr/>				
	190	200	210	
181	T C A G A G G G C C A C C C C T T G A G G G T G G C C A G G			ETS-4.SEQ
181	T C A G A G G G C C A C C C C T T G A G G G T G G C C A G G			SEQ ID NO 1.SEQ
<hr/>				
	220	230	240	
211	C C C C C A G T G G C C A A C C T G A G T G C T G C C T C T			ETS-4.SEQ
211	C C C C C A G T G G C C A A C C T G A G T G C T G C C T C T			SEQ ID NO 1.SEQ
<hr/>				
	250	260	270	
241	G C C A C C A G C C C T G C T G G C C C C T G G T T C C G C			ETS-4.SEQ
241	G C C A C C A G C C C T G C T G G C C C C T G G T T C C G C			SEQ ID NO 1.SEQ

	280	290	300	
271	T G G C C C C C A G A T G C C T G G C T G A G A C A C G C			ETS-4.SEQ
271	T G G C C C C C A G A T G C C T G G C T G A G A C A C G C			SEQ ID NO 1.SEQ
<hr/>				
	310	320	330	
301	C A G T G G C C T C A G C T G C C C A C A C C T C T T C C C			ETS-4.SEQ
301	C A G T G G C C T C A G C T G C C C A C A C C T C T T C C C			SEQ ID NO 1.SEQ
<hr/>				
	340	350	360	
331	G G C C C C T G A A G T T G G C A C T G C A G C A G A C A G			ETS-4.SEQ
331	G G C C C C T G A A G T T G G C A C T G C A G C A G A C A G			SEQ ID NO 1.SEQ
<hr/>				
	370	380	390	
361	C T C C C T G G G C A C C A G G C A G C T A A C A G A C A C			ETS-4.SEQ
361	C T C C C T G G G C A C C A G G C A G C T A A C A G A C A C			SEQ ID NO 1.SEQ
<hr/>				
	400	410	420	
391	A G C C G C C A G C C C A A A C A G C A G C G G C A T G G G			ETS-4.SEQ
391	A G C C G C C A G C C C A A A C A G C A G C G G C A T G G G			SEQ ID NO 1.SEQ
<hr/>				
	430	440	450	
421	C A G C G C C A G C C C G G G T C T G A G C A G C G T A T C			ETS-4.SEQ
421	C A G C G C C A G C C C G G G T C T G A G C A G C G T A T C			SEQ ID NO 1.SEQ
<hr/>				
	460	470	480	
451	C C C C A G C C A C C T C C T G C T G C C C C C C G A C A C			ETS-4.SEQ
451	C C C C A G C C A C C T C C T G C T G C C C C C C G A C A C			SEQ ID NO 1.SEQ
<hr/>				
	490	500	510	
481	G G T G T C G C G G A C A G G C T T G G A G A A G G C G G C			ETS-4.SEQ
481	G G T G T C G C G G A C A G G C T T G G A G A A G G C G G C			SEQ ID NO 1.SEQ
<hr/>				
	520	530	540	
511	A G C G G G G G C A G T G G G T C T C G A G A G A C G G G A			ETS-4.SEQ
511	A G C G G G G G C A G T G G G T C T C G A G A G A C G G G A			SEQ ID NO 1.SEQ

	550	560	570	
541	C T G G A G T C C C A G T C C A C C C G C C A C G C C C G A			ETS-4.SEQ
541	C T G G A G T C C C A G T C C A C C C G C C A C G C C C G A			SEQ ID NO 1.SEQ
<hr/>				
	580	590	600	
571	G C A G G G C C T G T C C G C C T T C T A C C T C T C C T A			ETS-4.SEQ
571	G C A G G G C C T G T C C G C C T T C T A C C T C T C C T A			SEQ ID NO 1.SEQ
<hr/>				
	610	620	630	
601	C T T T G A C A T G C T G T A C C C T G A G G A C A G C A G			ETS-4.SEQ
601	C T T T G A C A T G C T G T A C C C T G A G G A C A G C A G			SEQ ID NO 1.SEQ
<hr/>				
	640	650	660	
631	C T G G G C A G C C A A G G C C C C T G G G G C C A G C A G			ETS-4.SEQ
631	C T G G G C A G C C A A G G C C C C T G G G G C C A G C A G			SEQ ID NO 1.SEQ
<hr/>				
	670	680	690	
661	T C G G G A G G A G C C A C C T G A G G A G C C T G A G C A			ETS-4.SEQ
661	T C G G G A G G A G C C A C C T G A G G A G C C T G A G C A			SEQ ID NO 1.SEQ
<hr/>				
	700	710	720	
691	G T G C C C G G T C A T T G A C A G C C A A G C C C C A G C			ETS-4.SEQ
691	G T G C C C G G T C A T T G A C A G C C A A G C C C C A G C			SEQ ID NO 1.SEQ
<hr/>				
	730	740	750	
721	G G G C A G C C T G G A C T T G G T G C C C G G C G G G C T			ETS-4.SEQ
721	G G G C A G C C T G G A C T T G G T G C C C G G C G G G C T			SEQ ID NO 1.SEQ
<hr/>				
	760	770	780	
751	G A C C T T G G A G G A G C A C T C G C T G G A G C A G G T			ETS-4.SEQ
751	G A C C T T G G A G G A G C A C T C G C T G G A G C A G G T			SEQ ID NO 1.SEQ
<hr/>				
	790	800	810	
781	G C A G T C C A T G G T G G T G G G C G A A G T G C T C A A			ETS-4.SEQ
781	G C A G T C C A T G G T G G T G G G C G A A G T G C T C A A			SEQ ID NO 1.SEQ

	820	830	840	
811	G G A C A T C G A G A C G G C C T G C A A G C T G C T C A A			ETS-4.SEQ
811	G G A C A T C G A G A C G G C C T G C A A G C T G C T C A A			SEQ ID NO 1.SEQ
<hr/>				
	850	860	870	
841	C A T C A C C G C A G A T C C C A T G G A C T G G A G C C C			ETS-4.SEQ
841	C A T C A C C G C A G A T C C C A T G G A C T G G A G C C C			SEQ ID NO 1.SEQ
<hr/>				
	880	890	900	
871	C A G C A A T G T G C A G A A G T G G C T C C T G T G G A C			ETS-4.SEQ
871	C A G C A A T G T G C A G A A G T G G C T C C T G T G G A C			SEQ ID NO 1.SEQ
<hr/>				
	910	920	930	
901	A G A G C A C C A A T A C C G G C T G C C C C C C A T G G G			ETS-4.SEQ
901	A G A G C A C C A A T A C C G G C T G C C C C C C A T G G G			SEQ ID NO 1.SEQ
<hr/>				
	940	950	960	
931	C A A G G C C T T C C A G G A G C T G G C G G G C A A G G A			ETS-4.SEQ
931	C A A G G C C T T C C A G G A G C T G G C G G G C A A G G A			SEQ ID NO 1.SEQ
<hr/>				
	970	980	990	
961	G C T G T G C G C C A T G T C G G A G G A G C A G T T C C G			ETS-4.SEQ
961	G C T G T G C G C C A T G T C G G A G G A G C A G T T C C G			SEQ ID NO 1.SEQ
<hr/>				
	1000	1010	1020	
991	C C A G C G C T C G C C C C T G G G T G G G G A T G T G C T			ETS-4.SEQ
991	C C A G C G C T C G C C C C T G G G T G G G G A T G T G C T			SEQ ID NO 1.SEQ
<hr/>				
	1030	1040	1050	
1021	G C A C G C C C A C C T G G A C A T C T G G A A G T C A G C			ETS-4.SEQ
1021	G C A C G C C C A C C T G G A C A T C T G G A A G T C A G C			SEQ ID NO 1.SEQ
<hr/>				
	1060	1070	1080	
1051	G G C C T G G A T G A A A G A G C G G A C T T C A C C T G G			ETS-4.SEQ
1051	G G C C T G G A T G A A A G A G C G G A C T T C A C C T G G			SEQ ID NO 1.SEQ

1100 1110
T C G A C C A G T G A ETS-4.SEQ
T C G A C C A G T G A SEQ ID NO 1.SEQ

1130 1140
C G A G G T G G A C T C ETS-4.SEQ
C G A G G T G G A C T C SEQ ID NO 1.SEQ

1160 1170
C A T C C A C C T G T G ETS-4.SEQ
C A T C C A C C T G T G SEQ ID NO 1.SEQ

1190 1200
G C T A C T C A A G C C ETS-4.SEQ
G C T A C T C A A G C C SEQ ID NO 1.SEQ

1220 1230
C A T T A G G T G G C T ETS-4.SEQ
C A T T A G G T G G C T SEQ ID NO 1.SEQ

1250 1260
T C T T C A A A A T T G A ETS-4.SEQ
T C T T C A A A A T T G A SEQ ID NO 1.SEQ

1280 1290
C C C G G C T G T G G G G ETS-4.SEQ
C C C G G C T G T G G G G SEQ ID NO 1.SEQ

1310 1320
C C G C C A T G A A C T A ETS-4.SEQ
C C G C C A T G A A C T A SEQ ID NO 1.SEQ

1340 1350
C C A T C C G C C A G T A ETS-4.SEQ
C C A T C C G C C A G T A SEQ ID NO 1.SEQ

	1360	1370	1380	
1351	T T A C A A G A A G G G C A T C A T C C G G A A G C C A G A			ETS-4.SEQ
1351	T T A C A A G A A G G G C A T C A T C C G G A A G C C A G A			SEQ ID NO 1.SEQ
<hr/>				
	1390	1400	1410	
1381	C A T C T C C C A G C G C C T C G T C T A C C A G T T C G T			ETS-4.SEQ
1381	C A T C T C C C A G C G C C T C G T C T A C C A G T T C G T			SEQ ID NO 1.SEQ
<hr/>				
	1420	1430	1440	
1411	G C A C C C C A T C T G A G T G C C T G G C C C A G G G C C			ETS-4.SEQ
1411	G C A C C C C A T C T G A G T G C C T G G C C C A G G G C C			SEQ ID NO 1.SEQ
<hr/>				
	1450	1460	1470	
1441	T G A A A C C C G C C C T C A G G G G C C T C T C T C C T G			ETS-4.SEQ
1441	T G A A A C C C G C C C T C A G G G G C C T C T C T C C T G			SEQ ID NO 1.SEQ
<hr/>				
	1480	1490	1500	
1471	C C T G C C C T G C C T C A G C C A G G C C C T G A G A T G			ETS-4.SEQ
1471	C C T G C C C T G C C T C A G C C A G G C C C T G A G A T G			SEQ ID NO 1.SEQ
<hr/>				
	1510	1520	1530	
1501	G G G G A A A A C G G G C A G T C T G C T C T G C T G C T C			ETS-4.SEQ
1501	G G G G A A A A C G G G C A G T C T G C T C T G C T G C T C			SEQ ID NO 1.SEQ
<hr/>				
	1540	1550	1560	
1531	T G A C C T T C C A G A G C C C A A G G T C A G G G A G G G			ETS-4.SEQ
1531	T G A C C T T C C A G A G C C C A A G G T C A G G G A G G G			SEQ ID NO 1.SEQ
<hr/>				
	1570	1580	1590	
1561	G C A A C C A A C T G C C C C A G G G G G A T A T G G G T C			ETS-4.SEQ
1561	G C A A C C A A C T G C C C C A G G G G G A T A T G G G T C			SEQ ID NO 1.SEQ
<hr/>				
	1600	1610	1620	
1591	C T C T G G G G C C T T C G G G A C C A T G G G G C A G G G			ETS-4.SEQ
1591	C T C T G G G G C C T T C G G G A C C A T G G G G C A G G G			SEQ ID NO 1.SEQ

1630 1640 1650
1621 GTGCTTCCTCCTCAGGCCCAGCTGCTCCCC ETS-4.SEQ
1621 GTGCTTCCTCCTCAGGCCCAGCTGCTCCCC SEQ ID NO 1.SEQ

1660 1670 1680
1651 TGGAGGACAGAGGGAGACAGGGCTGCTCCCC ETS-4.SEQ
1651 TGGAGGACAGAGGGAGACAGGGCTGCTCCCC SEQ ID NO 1.SEQ

1690 1700 1710
1681 CAACACCTGCTCTGACCCAGCATTTCCA ETS-4.SEQ
1681 CAACACCTGCTCTGACCCAGCATTTCCA SEQ ID NO 1.SEQ

1720 1730 1740
1711 GAGCAGAGCCTACAGAAAGGGCAGTGACTCG ETS-4.SEQ
1711 GAGCAGAGCCTACAGAAAGGGCAGTGACTCG SEQ ID NO 1.SEQ

1750 1760 1770
1741 ACAAGGCCACAGGCAGTCCAGGCCCTCTCT ETS-4.SEQ
1741 ACAAGGCCACAGGCAGTCCAGGCCCTCTCT SEQ ID NO 1.SEQ

1780 1790 1800
1771 CTGCTCCAATCCCCCTGCTCTCCCATTTCTGCA ETS-4.SEQ
1771 CTGCTCCAATCCCCCTGCTCTCCCATTTCTGCA SEQ ID NO 1.SEQ

1810 1820 1830
1801 CCACACCTGGCATGGTGACAGGGAGACATCT ETS-4.SEQ
1801 CCACACCTGGCATGGTGACAGGGAGACATCT SEQ ID NO 1.SEQ

1840 1850 1860
1831 GCACCCCTGAGTTGGGCAGCCAGGAGTGCC ETS-4.SEQ
1831 GCACCCCTGAGTTGGGCAGCCAGGAGTGCC SEQ ID NO 1.SEQ

1870 1880 1890
1861 CCCGGGAATGGATAATAAAGATACTAGAGA ETS-4.SEQ
1861 CCCGGGAATGGATAATAAAGATACTAGAGA SEQ ID NO 1.SEQ

1900

1891 A C T G A A A A A A A A A A A A
1891 A C T G

ETS-4.SEQ

SEQ ID NO 1.SEQ